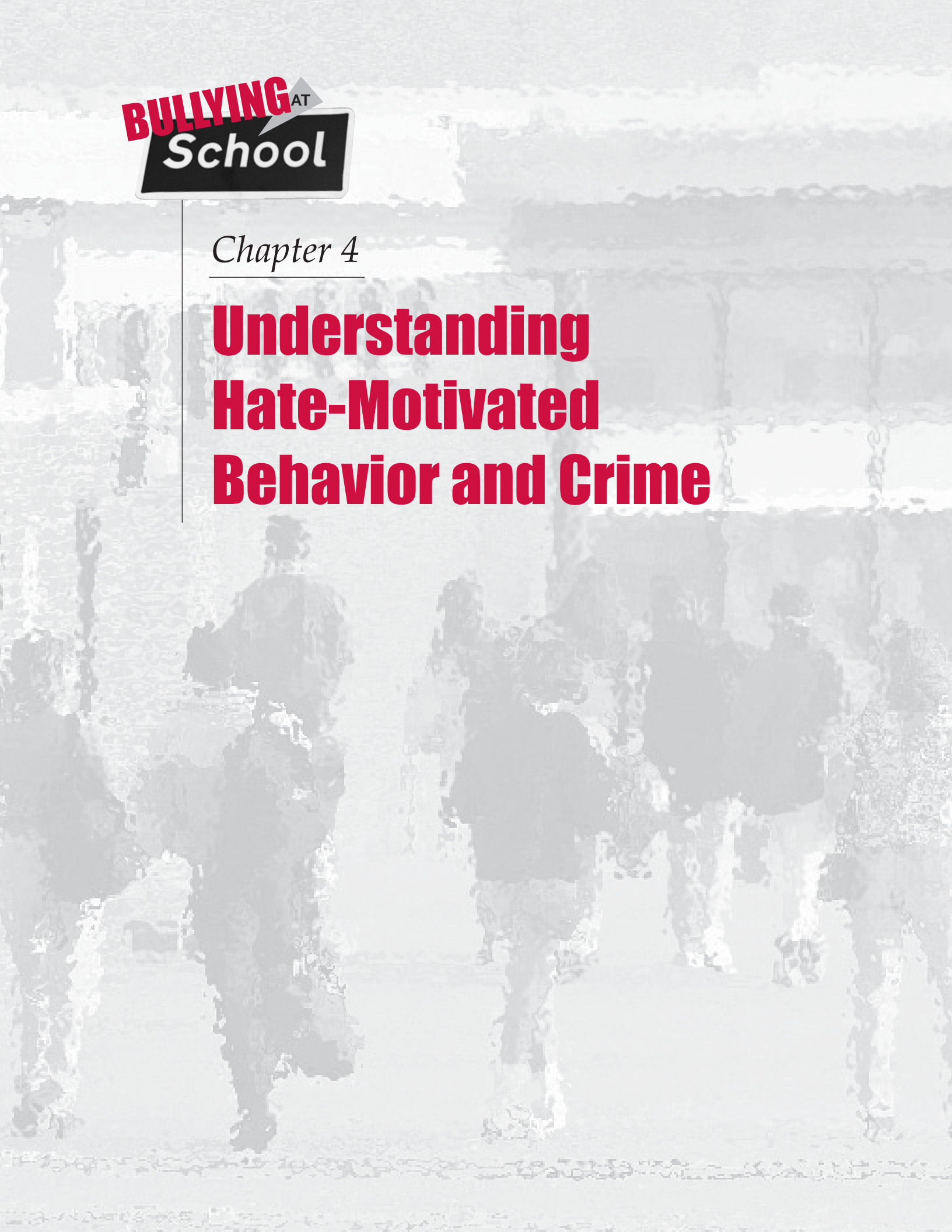


## *Chapter 4*

# **Understanding Hate-Motivated Behavior and Crime**



## Understanding Hate-Motivated Behavior and Crime



RESEARCH on hate-motivated behavior and crime is limited. First, crimes motivated by hate have been distinguished from traditional criminal offenses by the Federal Bureau of Investigation (FBI) only since the early 1990s. Second, research is limited because of the way in which these crimes are reported and defined. The research up to now concludes that the majority of hate-motivated offenders are not organized radical groups, but young individuals who act out their own negative attitudes and emotions concerning those they perceive to be different.<sup>21</sup>

“Crimes of youth” is a phrase created to describe crimes committed by the younger population holding on to stereotypes that underlie hate. One-half of all hate crimes are committed by young men under twenty years of age. Ten percent of all hate crimes occur in schools and colleges.<sup>22</sup> The fastest growing segment of hate-group recruitment and new membership is coming from the fourteen- to twenty-four-year age group of white, middle-class, suburban males. Eighty percent of victims are individuals.<sup>23</sup> Therefore, schools are encouraged to join the fight against hate.

To ensure that students understand the concept of diversity, schools can teach students about the many *similarities* they share in common with people whose race, religion, sexual orientation, or culture may differ from their own.

<sup>21</sup> Karen Franklin, *Psychosocial Motivations of Hate Crime Perpetrators: Implications for Prevention and Policy* <<http://www.karenfranklin.com/>>.

<sup>22</sup> *Ten Ways to Fight Hate: A Community Response Guide to Hate Crime and Hate Groups*. Southern Poverty Law Center, October 1998 <[http://www.tolerance.org/10\\_ways/index.html](http://www.tolerance.org/10_ways/index.html)>.

<sup>23</sup> James W. Fiscus, “Fighting Hate Speech,” *The Safety Zone* (Summer 2000), 2–7.

It can happen in any school—a hateful act by a student, staff member or person outside the school family suddenly poisons the air. . . .

At such a moment, school officials face a number of difficult challenges that include ensuring safety and preventing escalation. As painful and disruptive as a hateful act can be, it's important to remember that a bias incident does not define the school's character. Rather, the real test is the message the school sends to everyone concerned—each day as well as in emergencies.

—*Responding to Hate at School*  
<<http://www.teachingtolerance.org/rthas/index/jsp>>

Hate crimes are message crimes. The perpetrator can send a violent message without even knowing the target. To ensure victory, several perpetrators often participate in a hate crime. The physical damage to the victim of a hate crime may be much more severe than injuries from a typical fight. The perpetrator may want to hurt someone and not be interested in stealing personal items or profiting from the crime. A significant date or location may be the trigger for a perpetrator to commit a hate-related crime.

According to the FBI, approximately 30 percent of the hate crimes in 1996 were crimes against property (e.g., robbery vandalism, and arson). About 70 percent involved an attack against a person (e.g., assault, rape, and murder). Although bigotry is an underlying factor in nearly all hate crimes, one of the following reasons most often motivates the perpetrators:

- The *thrill* or excitement of committing a crime at someone else's expense
- The perception of *defending* or protecting self or family members against a threat from "outsiders"
- A sense of *mission* in belonging to a group or organization with similar ideas about eliminating others because of their culture, socioeconomic status, or race<sup>24</sup>

Hate-motivated behavior may also be a crime as defined in the California *Penal Code*.<sup>25</sup> The acts must be reported to the appropriate law enforcement agency, and the district attorney may choose to prosecute the alleged perpetrator. When criminal acts are

<sup>24</sup> Franklin, *Psychosocial Motivations*.

<sup>25</sup> *Penal Code* sections 422.6, 422.7, 422.75, 422.8, 422.9, and 422.95 define hate-motivated crimes. (*Education Code* Section 48900.3 describes these hate-motivated behaviors.)

determined to have been motivated by hate, they become classified as hate crimes. The crimes may include destruction or defacing of property; unusual, seemingly random violent assaults by groups or individuals; certain kinds of vandalism; unlawful use of telephones or mail for harassment, bomb threats, or explosions; or cross burnings (see Appendix B).



## Definition of Hate-Motivated Behavior and Crime

A working definition of hate-motivated behavior is any act or attempted act intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived ethnicity, national origin, immigrant status, religious belief, gender, sexual orientation, age, disability, political affiliation, race, or any other physical or cultural characteristic. Those targeted most often are persons of a minority race, ethnicity, religion, or sexual orientation.

One of the most socially acceptable—and probably the most widespread—forms of hate among teens and young adults is threatening behavior toward and crime against sexual minorities. In a survey of 500 young adults in the San Francisco Bay Area, one in ten admitted to making threats or being aggressive against people they believed were homosexual. One-half of all the young men surveyed admitted some form of antigay aggression.<sup>26</sup>

Although most hate crimes are committed by individuals, perpetrators who commit hate crimes to fulfill a mission are part of a larger, organized group who share the belief that to make the world a better place, they must eliminate those who threaten the culture, economy, and "purity" of the world. These offenders believe their victims to be "subhuman" and feel no emotion or remorse for their actions.<sup>27</sup>



## Strategies for Preventing and Responding to Hate-Motivated Behavior

SCHOOLS provide an ideal environment to counter bias. Schools mix youths according to grade level and age, not culture or background. Schools place students on an equal foot-

<sup>26</sup> Franklin, *Psychosocial Motivations*.

<sup>27</sup> American Psychological Association, *Hate Crimes Today: An Age-Old Foe in Modern Dress* <<http://www.apa.org/pubinfo/hate.html>>, 1998.

ing and allow individual interaction. School administrators, teachers, classified staff, students, and the community must be equipped to prevent hate behavior and address hate-motivated incidents should they occur. The following suggestions are intended to help schools address these issues:

*Specify the rules of conduct* in school documents, presentations, and orientation sessions that are held throughout the year with students, parents/guardians, and faculty. Include the school district and individual school policies that promote tolerance and appreciation of diversity among students and staff, policies concerning activities that would violate acceptable behavior, procedures for reporting a hate incident or crime, and consequences for those who commit hate-motivated actions.

*Assess the existing school climate* and identify potential problems by conducting student, faculty, and parent/guardian surveys. Surveying the school helps to identify potential problems and to evaluate the effectiveness of behavior standards and the modeling of positive, respectful behavior (see Appendix A).

*Provide training for staff* to empower them to act immediately and effectively when inappropriate behavior occurs in their classroom or on campus. Schoolwide awareness of such behavior and staff development in dealing with it ensure support for the students and staff if they are faced with a hate- or bias-motivated incident.

*Involve community partners* as resources for helping to develop both a plan for handling incidents and ways to assist targets and offenders and their families.

*Support student-led projects* that promote appreciation and respect for people's differences and encourage and promote the dignity, physical and emotional safety, and support of all students.



## Supporting and Protecting Targets of Bias or Hate

**A**CTS of hate or bias leave the target feeling traumatized and isolated. Family members and friends who share common traits with the target share these feelings. School staff need to support the target, the families, and their friends throughout the investigation of a crime or incident and throughout any court proceedings that may result. Some ways in which to provide support are as follows:

*Provide comfort* immediately and calm the target. Listen carefully to his/her perception of the incident and encourage the person to

inform his/her family. Reassure the target that the incident will be given thorough and appropriate attention and assist the person in getting any needed medical attention.

*Notify law enforcement* on the same day. Make sure further interviews are conducted in privacy and limit the number of times the target must tell his/her story. Include a trusted friend, counselor, or other responsible adult who can offer support and be non-judgmental during the interview. Do not send the target home unless the person feels safe on release. Keep on hand current contact information for the target to connect him/her and a family member with support resources in the community.

*Follow through* by offering the target and the family assistance in contacting additional resources (e.g., victim-witness assistance programs, counseling services, or law enforcement and legal advisers) to help them through the investigation period and legal proceedings that may follow. Advocate that the school provide materials to help students and staff understand and appreciate differences in race, religion, sexual orientation, culture, and other issues. Once differences are explained, fear and bias produced by ignorance are diminished.



## Working with Perpetrators

**A**N equally important strategy in responding to hateful or biased behavior or crime is working with the perpetrators of the act. Staff should follow these procedures:

*Immediately* discuss the incident with the perpetrator to determine the level of intent to harm the target and contact the family to meet with them and discuss the incident. Contact a police officer or local law enforcement officer and request the officer's attendance at the family conference.

*The same day* discuss the discipline process established by the school district board of education and develop a plan of action, an agreement, or a contract for the perpetrator to follow as part of his/her rehabilitation. Provide contact information to the family and the perpetrator to help connect them to social services, counseling services, or mental health resources in the community.

*Follow up* by continuing to track the perpetrator's progress and behavior and encourage him/her to become more involved in positive school activities. If the incident attracts attention from media, provide noncritical, nonjudgmental responses to their questions.



Restorative justice or any systematic response intended to repair harm typically involves victims, offenders, and communities. Leading victim–offender mediation programs requires a high level of skill and expertise. Before including restorative justice as part of the rehabilitation plan for students involved in hate-motivated offenses, schools must weigh the benefits of restorative justice and the ability of the facilitator against the risks of increasing anxiety, hostility, or fear for either party.

“We believe that hate is in part learned behavior, as is violence, and it can be reduced,” said Karen McLaughlin, Director of the National Center for Hate Crimes Prevention. . . . “Certain kids have a tendency to keep committing hate crimes,” . . . and there are sometimes indicators of hate before kids commit hate crimes. “Forming cliques and ostracizing kids can be one early warning sign of trouble.” . . . Children first learn hate at home, but parents who utter racist speech at home may still come to their children’s school and say that their kids are not prejudiced. “Usually the most effective way of dealing with it is to concentrate on the behavior of students.”

James W. Fiscus, “Fighting Hate Speech,”  
*The Safety Zone* (Summer 2000), 1–2  
<<http://www.safetyzone.org/publications.html>>



## Actions to Address Hate-Motivated Behavior

THE following actions by school staff can help ensure the safety of the victim, provide an appropriate response to and discipline for the perpetrator, and establish a standardized response protocol at the school:

*Immediately* step in and stop the behavior. Discuss the incident with the students involved and interview possible witnesses. Document the incident and protect the area until law enforcement can photograph and preserve the scene. Do not clean the area or throw anything away that could be evidence or important to the investigation in some way. Impose immediate and reasonable consequences for the perpetrator consistent with the school district’s disciplinary policies.

*The same day* notify school administrators and law enforcement officers and request assistance, if necessary. To prevent rumors on

campus, give students and staff accurate and complete information about the incident. Record all bias behavior, including the names of students involved. Follow the school district's plan for media relations.

*Follow through* by using appropriate disciplinary action consistent with the school district policy and the *Education Code*. Law enforcement may proceed with a concurrent investigation based on *Penal Code* violations.

There is no single right way to fight hate and no single set of strategies that will work in every community. Schools, community leaders, and parents/guardians must remain open to fresh approaches to provide appropriate sensitivity training and appreciation of diversity for the perpetrators and their families. As a follow-up to the training, schools should devise activities for students, staff, and families to demonstrate what they have learned. For example, in 1993, high school students in Palm Springs, California, wore ribbons they had made to symbolize unity following a brawl between African Americans and Hispanics.<sup>28</sup>

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<sup>28</sup> *Ten Ways to Fight Hate*.